



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,966	03/29/2001	Thomas Eidenschink	17018-14.10	8305
20350	7590	11/18/2004	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			WAHBA, ANDREW W	
			ART UNIT	PAPER NUMBER
			2661	

DATE MAILED: 11/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

4

Office Action Summary	Application No. 09/822,966	Applicant(s) EIDENSCHINK ET AL.	
	Examiner Andrew W Wahba	Art Unit 2661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☒ Claim(s) 3-9 and 11-17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.



Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) **PHIRIN SAM** 4) ☐ Interview Summary (PTO-413)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) **PRIMARY EXAMINER** Paper No(s)/Mail Date. _____
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 5) ☐ Notice of Informal Patent Application (PTO-152)
Paper No(s)/Mail Date _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With regard to claim 1, the applicant claims "allocating at said Network Control Station (NCS) communication channels via said satellite by a control channel message over said bandwidth constricted control channel directed to each involved subscriber terminal (ST) node connected to said WAN" (lines 9-11). It is not clear from this claim limitation whether the allocated communication channels are for satellite communication or communication over DAMA WAN 24. Figure 1 does not show a connection between NCS 35 and satellite 39.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hreha (US Patent 6,400,696) in view of Kawamura et al (US Patent 6,693,879).

Art Unit: 2661

With regard to claim 1, Hreha discloses dynamic assignment/multiple access algorithms that implement communication protocols in the local area network (DAMA WAN) edge device 23 (column 3, lines 64-67). Hreha discloses that resource allocations (allocating) are based in part on communication link bandwidth limitations determined by algorithms operating at Gateway 27 (Network Control Station) (column 3, lines 28-44). It is inherent that allocations between Gateway 27 and satellite 24 occur over a control channel that would have a limited bandwidth (bandwidth constricted control channel) so as to assign data channels.

Hreha, however, does not expressly disclose or fairly suggest constructing a network map of all directly and indirectly connected IP network prefixes.

Kawamura et al discloses a communication device 1 with a direct communicable device memory section 130 (column 8, lines 7-10) and an indirect communicable device memory section 140 (column 8, lines 32-35)

A person of ordinary skill in the art would have been motivated to employ Kawamura et al in Hreha to provide a method of communication even if communicable areas do not overlap (Kawamura column 3, lines 3-6). At the time the invention was made, therefore, it would have been obvious to one of ordinary skill in the art to which the invention pertains to combine Hreha and Kawamura et al (collectively "Hreha-Kawamura") so as to obtain the invention as specified in claim 1.

5. Claims 2 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hreha-Kawamura in view of Bion (US Patent 6,097,718).

Art Unit: 2661

With regard to claims 2 and 10, Kawamura-Hreha does not expressly disclose or fairly suggest “periodically transmitting routing information whether or not said routing information has changed in order to provoke a distance vector protocol” (claim 2) or “updating routes via a designated router only as routes are added and deleted in order to invoke a link state protocol” (claim 10).

Bion discloses routers 103 that include a technique for updating dynamic routes 111(b) in connectivity table (network map) in response to updated (changed / added and deleted) connectivity information (routing information). Bion further discloses that a distance vector protocol (distance vector protocol) or line state protocol (line state protocol) may be used (column 3, lines 58-column 4, line 5).

A person of ordinary skill in the art would have been motivated to employ Bion in Hreha-Kawamura to as to employ routing protocols for updating dynamic routes (Bion column 3, lines 58-60). At the time the invention was made, therefore, it would have been obvious to one of ordinary skill in the art to which the invention pertains to combine Bion and Hreha-Kawamura et al so as to obtain the invention as specified in claims 2 and 10.

Allowable Subject Matter

6. Claims 3-9 and 11-17 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Art Unit: 2661

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew W Wahba whose telephone number is (571) 272-3081. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth N Vanderpuye can be reached on (571) 272-3078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Respectfully Submitted,

Andrew Wahba *AW*
Patent Examiner
November 12, 2004



PHIRIN SAM
PRIMARY EXAMINER